

Appl. No. 09/808,001
Atty. Docket No. 8380L\$/PRGA 0103 PUSP
Am dt. dated 11/17/2005
Reply to Office Action of 05/17/05
Customer No. 27752

REMARKS

Claim Status

Claims 1-14, 15-26, and 76 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 76 have been amended more particularly and accurately claim the subject matter of the invention by providing that the electronic approval is provided by each member of the "approval" group instead of each member of the "review" group. Antecedent basis in the specification can be found at page 11, lines 13-16.

Claim 15 has been amended to add step of rendering the standard unchangeable. Antecedent basis can be found in the specification at page 12, lines 10-11. Claim 15 has also been amended to delete the clause "released, approved" that originally preceded the second occurrence of the term "technical standard" in that claim as being unnecessary in the context of the amended claim.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §101

The Office Action states that Claims 1 – 14 (method claims) are rejected under 35 USC §101 as being directed toward non-statutory subject matter. The Office Action states that the claimed method comprising steps (a) – (f): are (i) merely an abstract idea and (ii) does not reduce the invention to a practical applications in the technological arts (integration with computer/computer network to produce an output result).

The claimed invention is directed toward a method for developing a technical standard in the process of product development. Specifically, the claimed method manages the process for review and approval of the technical standard for a product, culminating with release of the technical standard for electronic access when the standard has been finalized. Such a process has practical application to organizations conducting product research and development as it aids them in managing the process for approving, finalizing, and releasing technical standards for their products. The subject matter claimed

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is not merely an abstract idea, but rather a practical application directed toward a useful, concrete, and tangible result.

"There is no judicially recognized separate "technical arts" test to determine patent eligible subject matter under Section 101." *Ex parte Lundgren*, 76 USPQ2d 1385, 1388.

It is respectfully asserted that this practical application meets the statutory requirements for utility of 35 USC §101, particularly as recently elaborated in the *Ex parte Lundgren* decision and as further reflected in the recently issued Interim Guidelines for Examination of Patent Applications for Patent Subject Eligibility.

Rejection Under 35 USC §112, First Paragraph

The Office Action states that Claims 1-14, 15-26, and 76 are rejected under 35 USC §112, 1st paragraph on the basis that (1) the term "text-based document containing information relating to the draft technical standard" or "technical document" is critical or essential to the practice of the inventions, but not included in the claims(s); and (2) the claims to not include a step of modifying an existing standard.

(1) "Text-Based Document"

It is respectfully asserted that the specification's and claims' references to circulating a "technical standard" is appropriate in the context of the present invention and is properly enabled under §112, 1st paragraph.

A "technical standard" constitutes information or data that may be generated in a variety of ways. For example, referring to page 9, lines 13-25 of the specification, a draft technical standard may be generated from (for example) a text based document (see lines 14-18). However it is not essential or required for a technical standard or draft technical standard to be in document form. For example, the draft standard may also be generated by modifying an existing technical standard (lines 18-19). Data-structured attributes (e.g., meta-data) may be added to the technical standard (lines 23-25).

Furthermore, the specification does not require that a text based document be routed. "The draft technical standard is circulated for peer review in block 32" (page 9, lines 26-28 of the specification).

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The Office Action states that the specification at page 11, lines 5-7 discloses "locking the document by locking the entry to the document since one cannot lock the specification." It is respectfully asserted that the specification at page 11, lines 5-7 refers to locking of the "draft standard", not locking a "document". Since the draft technical standard may comprise documents and/or structured data, it is appropriate that the claimed process refer to locking of the entire "standard".

(2) Modifying An Existing Standard

The step of modifying an existing standard is not intended to nor is required to be a required element in the invention as claimed in the above-referenced claims.

According to the specification, a reviewer may attach comments to a draft technical standard, but generally would not modify the standard. (See page 10, lines 6-7 of the specification) If the originator of the standard desires to make changes to the technical standard on the basis of such comments, that person may do so. A change need not be made by modifying the draft standard but could be done by generating a new draft standard.

Further, the Office Action states that "(I)t's very rare that a draft copy which is circulated through 2 groups, a reviewing group and approval group, but has no revision, modification, etc." Applicants respectfully asserts that the assumption made is not correct. Applicants' experience is that it is no uncommon for the draft standard to be reviewed and approved without change.

In view of the above discussion, it is respectfully asserted that the specification and claims are fully enabled under §112, 1st paragraph.

Rejection Under 35 USC §112, Second Paragraph

The Office Action states that Claims 1-14, 15-26, and 76 are rejected under 35 USC §112, 2nd paragraph, contending that the specification deals with circulating an electronic draft document related to the draft standard, whereas the claims are directed to circulating a draft "standard".

As discussed above with respect to the §112 1st paragraph rejection, the present invention relates to circulation of a draft standard (see page 9, line 26 and page 9, line 29 – page 10, line 5 of the specification), wherein the standard can be generated in a variety

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of ways (see page 9, lines 13 – 25 of the specification), including but not limited to a document. The draft standard can comprise, for example, a document, a modified version of a previous technical standard, or data-structured attributes (e.g., meta-data). Further, the present invention does not necessarily require that a document be circulated. What is required is that a draft technical standard is circulated.

The Office Action further contends that in Claims 1, 15, and 76 that it is not clear how one can edit/review the draft document which normally requires changing or deleting or adding materials or content in view of the (fourth) step of “electronically locking” the draft technical standard.

In practice, once the draft technical standard is locked and circulated for approval, the approval group members would not, and should not according to the present invention, have the ability to modify the standard. They may either approve or not approve, and in either case may append comments. However they may not modify or edit the standard. To allow them to do so would be undesirable as it could affect the integrity of the process. It is a feature of the process that all members of the approval group are reviewing the same draft standard. If a member of the approval group does not approve the standard, the originator of the draft standard may then create a new draft standard and route that draft standard through the review and approval steps.

The Office Action states that steps (f) and (g) of Claims 1 and 76 are vague and indefinite on the basis that the approvals should come from members of the approval group rather than the review group. Claims 1 and 76 have been accordingly amended.

The Office Action states that in Claim 15, step (f), the phrase “the released approved technical standard” lacks antecedent basis. Claim 15 has been amended in a manner to obviate the pending rejection.

Claim Objections

The Office Action stated that Claims 2-3 were objected to under 37 CFR 1.75(c) on the basis of lack of claim differentiation. It is respectfully asserted that claims 2 and 3 are both differentiated from Claim 1. As discussed above, the draft technical standard can comprise document based information and/or data-structured information. Claim 1 refers, generally, to circulating a draft technical standard. Claim 2 relates to the draft technical standard relates to a text based document and adding data-structured attributes. Claim 3 further limits the claim to searching the technical standard based on the data-structured

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attributes. Claims 2 and 3 include limitations that are not expressly provided or necessarily present in Claim 1.

Rejection Under 35 USC §102

Claims 15-26 and 76 were rejected under 35 USC §102 over Lemble (US Patent 5,315,504. The Office Action states that the interface module operative to elements (a)-(f) carries “no patentable weight since a module is merely a program and it’s incapable of carrying out the claimed steps without connecting to a “server system...”.

The modules, as provided in Claim 15, are not merely “programs” but rather are subassemblies that constitute part of the larger system. Page 9, lines 10-12 of the specification provides that the modules can comprise any combination of hardware, software, firmware, and the like. Page 14, lines 12-13 of the specification provides that the interface module 150 can be implemented as a customized web interface server – that is, as a server which in turn conventionally comprises in use a combination of hardware, software, and the like. It is not, however, intended to limit the claimed invention to any particular implementation (page 9, lines 10-12).

In view of the specification, one of ordinary skill in the art would read and understand the specification to mean that the claimed interface module included appropriate software, hardware, and the like appropriate to implement the purpose of the module. It is therefore not necessary to amend the claims to add further recitation of physical elements that embody the program elements of the present invention. Reconsideration and withdrawal of the pending rejection under 35 USC §102 is respectfully requested.

Rejection Under 35 USC §103(a)

Claims 1-14, 15-26, and 76 have been rejected under 35 USC §103(a) as being unpatentable over Admitted Prior Art (AAPA) in view of Grainger (US 2002/0111824). This rejection is traversed for two reasons. First, neither AAPA nor Grainger, nor the combination thereof, establish a *prima facie* case of obviousness because they do not teach or suggest all of the claim limitations of any of independent Claims 1, 15, and 76.

Grainger published on August 15, 2002 and has a filing date of Nov. 11, 2001 and a provisional application filing date of Nov. 11, 2000. The present application has a filing date of March 4, 2001 and a provisional application filing date of December 19, 2000.

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Therefore Grainger qualifies as prior art against the present application only under 102(e)/103.

The present invention includes both “locking” the draft standard and subsequent, distinct step of rendering the draft standard unchangeable. In the first, “locking” step, the draft technical standard electronically locking the draft technical standard after the review group has reviewed the draft technical standard. The locked draft technical standard is circulated to the approval group, the members of which can approve or choose to not approve, and in either case can choose to add comments. Limited persons, typically the originator of the standard or other authorized persons, may “unlock” draft technical standard in their discussion, such as may happen upon review of comments received from members of the approval group. In that case, the originator can modify the draft technical standard (or create a new draft technical standard), which can then be subsequently locked and circulated to the approval group. If the approval group approves the draft technical standard, the draft technical standard can then be rendered “unchangeable”. Once it is rendered unchangeable, it cannot be modified or changed by anyone, including the originator.

Grainger has been cited in the Office Action for its disclosure of an electronic document locking system. However Grainger does not teach or suggest the two separate and distinct types of “locking” steps (locking versus “rendering unchangeable”) at different phases of an electronic review and approve process or system.

Referring to Grainger paragraph [0070], the system “saves and locks all documents submitted to and received from patent offices so that they cannot be subsequently altered....”. According to Grainger paragraph [130], “anytime edits are made to a draft patent application ..., a new version of the application is created and the old version is locked and saved for archival purposes.” In neither instance is it suggested that the locking step would or should be able to be unlockable. To the contrary, maintaining documents submitted to or received from a patent office without modification is a clear and logical need. Similarly, draft patent applications or other documents saved for archival purposes should clearly and obviously be maintained without possibility of modification.

Thus, Grainger does not disclose electronically locking in a manner that allows the document (or a technical standard) to be unlocked. Further, Grainger does not disclose a locking scheme involving a combination of a first locking scheme wherein the

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document (or in the case of the present invention, a technical standard) can be unlocked with a second locking scheme wherein the document (or standard) is rendered unchangeable.

Additionally, Grainger and the present invention relate to distinctly different types of methods and systems. Grainger relates to a document management system wherein maintaining archive quality records of stores and/or generated documents is the objective. The present invention relates to a method and a system for managing the review and approval of technical standards. There is no suggestion in either AAPA or Grainger to modify the locking systems of Grainger and apply them to a technical standard review and approve method (or system) in a manner to provide both "electronic locking" and "rendering unchangeable" of the technical standard at different points of the process.

In view of the above remarks, it is respectfully asserted that the combination of AAPA with Grainger does not teach or suggest the elements of the claimed inventions and that the claimed invention is therefore unobvious, and patentable, over the pending rejection.

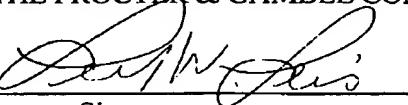
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the pending rejections and objections. Favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-14, 15-26, and 76 is respectfully requested.

Respectfully submitted,

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By 

Signature

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